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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 18-CR-00465 MMC
)	
Plaintiff,)	
)	
v.)	UNITED STATES' RESPONSE TO
)	DEFENDANT'S WAIVER OF JURY TRIAL
FUJIAN JINHUA INTEGRATED CIRCUIT)	
CO., LTD,)	
)	
Defendant.)	
)	
)	
)	
)	

1 The United States is prepared to consent to defendant Fujian Jinhua Integrated Circuit Company
2 Limited's ("Jinhua") waiver of jury trial, and respectfully asks the Court to ensure (1) an adequate
3 waiver by Jinhua, as discussed below; and (2) that trial will begin as currently scheduled, and will run on
4 the previously set schedule.

5 The Ninth Circuit generally requires a jury trial waiver to be personally executed in writing by
6 the defendant. *See United States v. Laney*, 881 F.3d 1100, 1107-08 (9th Cir. 2018) ("[W]e hold that the
7 proper practice under Rule 23(a) is for the defendant to personally execute the written waiver; a written
8 stipulation signed by defense counsel alone...will not raise a presumption of validity. Nevertheless, the
9 absence of a defendant's signature will not constitute reversible error if the record otherwise shows that
10 the defendant's waiver was voluntary, knowing, and intelligent."). Here, a written waiver by a
11 representative of Jinhua with decision-making authority, or an in-person colloquy is necessary to satisfy
12 Rule 23(a). *See United States v. Saadya*, 750 F.2d 1419, 1420 (9th Cir. 1985).

13 The United States previously agreed to the short continuation requested by the defendant on the
14 basis that its corporate representatives needed more time to secure visas, despite the inconvenience to
15 the United States' witness schedules. Travel for the United States' international witnesses is set, as is
16 travel for many domestic witnesses. Therefore, the United States respectfully asks that the Court also
17 maintain the current schedule. The last-minute waiver is yet another unexpected change to the
18 longstanding plan to try this case by jury and on the schedule set last year. The United States is
19 concerned about additional, last-minute proposed changes and would like to ensure that, as to the
20 schedule, it remain as set to the maximum extent possible.

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1 Further, should the Court approve the waiver, the United States respectfully requests the Court's
2 guidance as to whether to proceed by Opening Statement or Opening Trial Brief.

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4 Dated: February 15, 2022

STEPHANIE M. HINDS
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5 /s/
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